

REMARKS

Receipt of the Office Action of September 27, 2006 is gratefully acknowledged.

Claims 5, 6 and 9 have been examined. These have been rejected as follows: 1) claims 5, 6 and 9 as unpatentable under 35 USC 103(a) over Pierce; and 2) claims 5, 6 and 9 as unpatentable under 35 USC 103(a) over Woodward.

These rejections have been carefully considered as has *In re Aller*, and are respectfully traversed.

The examiner correctly quotes the holding in the *Aller* case, namely, that "... where the general conditions of a claim are disclosed in the prior art, it is not inventive to discover the optimum or workable ranges by routine experimentation". Clearly, the "general conditions" must be disclosed. What does this mean? It means that if a claim defines elements A and B, the prior art must first disclose elements A and B.

Claim 5 defines "concave and convex portions opposite to and adjacent to each other". Where are these, arranged as claimed to be found in Pierce or Woodward? It is respectfully submitted that neither reference discloses the noted arrangement. Refer to Figs. 3 and 4 of this application. Where is this arrangement which is claimed found in either Pierce or Woodward? It is respectfully submitted that they are not.

Where is the "petaloid shape" of the convex portion and the "V-shaped valley . . . formed between . . . adjacent petaloid shaped pieces" found in Pierce or Woodward? It is respectfully submitted that they are not.

A study of both Pierce and Woodward leads one to conclude that the arrangement in these patents cannot even be determined.

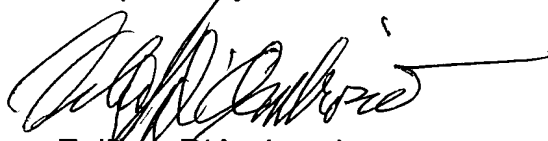
Then, one must consider the fact that neither Pierce nor Woodward relate to analogous art with that of the invention as claimed. The invention as claimed has nothing to do with "food graters." The invention "... may be used as a core member for battery electrodes (page 1, lines 8, 9 of the specification).

Claim 9 has been amended formally and new claims 10 and 11 added to further define the invention.

In view of the foregoing reconsideration and re-examination are respectfully requested and claims 5, 6 and 9-11 allowed.

Date: Jan. 29, 2007

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Felix J. D'Ambrosio', with a long horizontal flourish extending to the right.

Felix J. D'Ambrosio
Reg. No. 25,721

BACON & THOMAS, PLLC
625 Slaters Lane, 4th Floor
Alexandria, VA 22314 - 1176
(703) 683-0500

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